

2022 LiveLaw (SC) 1006

IN THE SUPREME COURT OF INDIA

SANJAY KISHAN KAUL; J., ABHAY S. OKA; J.

**MISCELLANEOUS APPLICATION Diary No(s). 33859/2022 IN T.P.(C) No. No. 2419/2019; 28-11-2022
M/S PLR PROJECTS PVT. LTD. versus MAHANADI COALFIELDS LIMITED & ORS.**

Advocates Act 1961 - Disciplinary action against striking lawyers - Bar Council of India to take appropriate action against all the executive members of different Bar Associations on strike contrary to directions of this Court and logically we would expect their licences to be suspended at least till the work is resumed and further action against the members of the Action Committee.

For Petitioner(s): Mr. Arvind Datar, Sr. Adv. Mr. Sibho Sankar Mishra, AOR Mr. Ashok K. Parija, AG Mr. Shibashish Misra, Adv. Mr. Kaushik Poddar, AOR

For Respondent(s): Mr. Vikas Singh, Sr. Adv. Ms. Deepika Kalia, Adv. Mr. Aditya Kaul, Adv. Mr. Sunil Kumar, Sr. Adv. Mr. Himanshu Shekhar, AOR Mr. Parth Shekhar, Adv. Mr. Shubham Singh, Adv. Mr. Manoranjan Paikaray, Adv. Mr. Shashwat Panda, Adv. Mr. Aniruddha Purushotham, Adv. Mr. Tejaswi Kumar Pradhan, AOR Mr. Abhimanyu Tewari, AOR Ms. Eliza Bar, Adv. Ms. Sneha Kalita, AOR Mr. Sibho Sankar Mishra, AOR Mr. Debabrata Dash, Adv. Mr. Niranjan Sahu, Adv. Mr. Apoorva Sharma, Adv. Mr. Kunal Chatterji, AOR Ms. Maitrayee Banerjee, Adv. Mr. Rohit Bansal, Adv. Ms. Kshitij Singh, Adv. Mr. Kedar Nath Tripathy, AOR Ms. Preetika Dwivedi, AOR Mr. Dhananjai Jain, AOR Mr. V. N. Raghupathy, AOR Mr. Shantanu Sagar, AOR Mr. Gautam Narayan, AOR Ms. Anisha Gupta, Adv. Mr. Amit Kumar Singh, Adv. Mrs. K. Enatoli Sema, AOR Ms. Chubalemla Chang, Adv. Mr. Prang Newmai, Adv. Mr. Arjun Garg, AOR Mr. Gopal Jha, AOR Mr. Joydip Roy, Adv. Ms. Renuka Sahu, AOR

ORDER

Two affidavits have been filed before us.

The first affidavit is filed by the Registrar General of the High Court of Odisha in respect of the steps taken for providing virtual access which would obviate the need for any Benches. There are 30 district Courts functioning in the State of Odisha and the status report *qua* computerization to facilitate the functioning in the District Courts and Taluka Courts has been enclosed. The details of equipments which have been purchased have been set out. The e-Filing Version 3.0 stands implemented from 02.04.2022 and a total of 4382 Advocates have registered on the e-Filing Portal of this Version and 11290 cases have been filed through e-Filing Portal in the District Courts. Virtual court rooms have been established in the various districts and proceedings are being conducted as per Odisha High Court Video Conferencing For Court's Rules, 2020 which would facilitate a witness to appear in any Court including the High Court of Odisha from any district of the State or from any remote area in accordance with the Standard Operating Procedure (SOP). Technical persons have been appointed. The High Court of Odisha is functioning on hybrid mode and links are published. Hands on training for judicial officers, Advocates and Advocates' clerks are being conducted. That should have taken care of the needs of access to justice.

There is, however, something more to it!

The conduct of the Advocates as reflected in the supplementary affidavit filed by the High Court leaves us with little doubt that there are many so-called Advocates enrolled at the Bar whose bread and butter is obviously not this profession. After the order was passed by us on 14.11.2022, the same was circulated to all the Bar Associations through their respective District Judges. Despite our observations, agitation and picketing etc. continued.

The matter deteriorated to a stage where the District Judge, Khurda at Bhubaneswar received reports about violent obstruction to the judicial officers, staff and litigants by members of the Bhubaneswar Bar Association restraining them in entering court building on 25.11.2022. In fact, after receiving reliable information, the District Judge had sought for police protection for judicial officers, staff and litigants. 300/400 Advocates obstructed them when staff and officers reached there and police personnel reached at about 11 a.m. But even under police protection, the Bar members prevented access by violently obstructing

them. The District Judge also reported that no prior information was given to him by the Bar Association regarding such picketing on 25.11.2022.

It is, however, averred that the District Judge, Koraput, Jeypore enclosed the extract of the resolution District Bar Association, Jeypore dated 24 /25.11.2022 indicating the decision to withdraw their earlier resolution for strike dated 23.06.2022.

There is then an additional affidavit of the Registrar stating that several Bar Associations of State of Odisha continue to abstain from work and have indulged in boycott, picketing etc. during the month of October, 2022 and also in November, 2022. The judicial work in least 20 districts continued to be hampered in the month of October, 2022 and 3216 cumulative judicial working hours have been lost.

The District Judge, Sambalpur intimated that members of the District Bar Association, Sambalpur staged a picketing on demand of establishment of the permanent Bench of Odisha in Western Odisha and even refused to attend a meeting called by the District Judge.

A similar approach has been adopted by the Baramba Bar Association as per the District Judge, Cuttack. Position is no different of others.

We had already cautioned the Bar Associations on many occasions in the earlier main order as well as on the last date that if they fail to conduct themselves as members of the noble profession, they loose any protection. They have done everything to invite what we are required to now direct to uphold the majesty of law and direct the working of the Courts functional.

We may also notice that the Central Action Committee has filed an affidavit. We notice from Annexure R-1 to it that the President of the Sambalpur Bar Association is actually the President of the Central Action Committee.

If the leaders of the Bar Associations in Odisha seek to invite harsh action, we will have to oblige them.

The Bar Council of India is represented before us. We would expect the Bar Council of India to take appropriate action against all the executive members of different Bar Associations on strike contrary to directions of this Court and logically we would expect their licences to be suspended at least till the work is resumed and further action against the members of the Action Committee.

We would expect the police to provide foolproof arrangements for ingress and egress of not only the judicial officers but all willing members of the Bar and the litigants who would be entitled to contest their own proceedings. Necessary prohibitory orders be issued around the areas of the courts and appropriate steps including any preventive arrest or other arrest as required in the wisdom of the administration as required to be taken. We can only emphasize that it is the administration's duty and obligation as also the methodology by which they have to ensure [no advice is necessary by us] to see to it that the Courts are made functional and the agitating lawyers are not able to obstruct the working of the Court nor any ingress and egress of the lawyers willing to work or the public who seeks to practice directly since these lawyers are not assisting them.

The judicial officers will pass necessary orders in each of the proceedings and if adverse orders become necessary, let the same be passed as we have given the option to the litigants to come to court and defend or prosecute their proceedings freely.

Further status report be filed by the Registrar.

List on 12.12.2022.